THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3425 OF 2006

DATED: 23-01-2007

BETWEEN

S. Rajesh, S/o. Aprail Singh,
R/o. 18-8-303/B, Tanaji Nagar,
Uppuguda, Hyderabad.

...PETITIONER

AND

The Inspector of Police,
Chanda Nagar Police Station,
Chandanagar, Hyderabad and another.

...RESPONDENTS

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the first respondent in calling the petitioner to police station and making him to sit in the police station for hours together without registering any complaint, as illegal and arbitrary.

2. It is the case of the petitioner that he is living with his family members peacefully in the house bearing No.18-8-303/B in Tanaji Nagar, Uppuguda, Hyderabad and he was never involved in any criminal case. While so, the respondent police officers visited his house on 13.02.2006 and without assigning any reason called him to the police station. Accordingly he went to the police station on 14.02.2006 and he was made to sit there from morning to evening without assigning any reason. Thus, it is stated that the police is interfering with his personal life and liberty without any justification whatsoever.

3. Counter has been filed denying all the allegations averred in the affidavit and stated that one Mr. Hanumanth Rao lodged a complaint against the petitioner alleging that his wife handed over mangala suthram, ring and ear studs to the petitioner as he is due some money to the petitioner, since the petitioner had been demanding the money and also beat them. Upon receipt of the same an entry was made in the General Diary dated 03.02.2006 and accordingly the petitioner was summoned to the police station but he did not turn up. It is stated that the petitioner was only summoned to the police station based on the aforesaid complaint but he was never made to sit in the police station on 14.02.2006 as alleged by him and all other allegations have been denied.

4. Having regard to the facts and circumstances of the case and as no case has been registered against the petitioner and as the police denied the allegations with regard to calling the petitioner to the police station and making him sit for hours together, I am of the opinion that no orders are required to be passed in the writ petition.

The writ petition is accordingly dismissed. However, the petitioner is at liberty to question of the action of the police as and when his life and liberty is interfered with. There shall be no order as to costs.

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V. ESWARAIAH, J

January 23, 2007
DSK